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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,156	01/08/2001	Pierre Sauvage	50990037US	4580

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EXAMINER

MOORE, IAN N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/755,156	Applicant(s) SAUVAGE ET AL.	
	Examiner Ian N. Moore	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 and 9-16 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Christie et al, hereinafter "Christie" (US Patent 5,926,482),

**With regard to claim 8**, Christie discloses a routing label (message) that contains a DPC (destination address / point codes) and OPC that identify signaling points in the network (column 7, lines 9-14). As applicant notes that a point code is used to define a destination address (previous remarks, page 7, lines 19-20), Christie also discloses a point code is used to define a destination address (see col. 7, line 9-14). MTP level 2 alignment is inherent for communication to occur.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie et al, hereinafter "Christie" (US Patent 5,926,482) in view of Longfield et al, hereinafter "Longfield" (US Patent 5,898,667).

**With regard to claim 1**, Christie discloses a signaling data link 100, level 1, (listening/receiving) (column 4, lines 63-64). Christie further discloses a routing label that contains a destination point code, DPC, and origination point code, OPC, (distant point code) that identify signaling points in the network (column 7, lines 9-14). Christy further discloses a point code conversion 500 that translates signaling messages using internal tables, the tables (table) would be used to systematically change designated DPCs, OPCs and CISs (column 8, lines 24-29).

Christie does not expressly disclose upon receiving a message originating from a distant point code, updating said table with the point code number of said distant point code. Longfield discloses an interface unit 27 that broadcasts the point code (point code) along with its own interface unit identifier. Interface unit 27 will then update (updating) a list (table) of received SSP (upon receiving a message) stored in interface unit 27 with the new SSP obtained from the SCP 38 (point code) (column 8, lines 6-12). A person of ordinary skill in the art would have been motivated to employ Longfield in Christie in order to manage communication with network resources in a manner that does not burden the central processor of the signaling point (Longfield, column 2, lines 42-45). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to combine Christie and Longfield so as to obtain the invention as specified in claim 1.

**With regard to claim 2**, Christie discloses a signaling message handling 310 which ensures that messages are delivered to the proper destination (configuring a primary route) according to the routing label (column 6, line 67 - column 7, line 3).

**With regard to claim 3**, Christie discloses discrimination 312 that determiners (signaling route set test) if a particular signaling point is the destination of the message (column 7, lines 30-37).

*Allowable Subject Matter*

5. Claims 4-7 and 9-16 are allowed.

*Response to Arguments*

6. Applicant's arguments filed 7/21/2005 have been fully considered but they are not persuasive.

**Regarding claim 8**, the applicant argued that, "...the position taken in this rejection that Christie discloses "a routing label ...in the network..." is not specifically supported by the disclosure relied upon... it is not clear what nexus this point has with the that discussed...The position that MTP level 2 alignment is "inherent" for communication to occurs, is therefore challenged..." in page 5, paragraph 4; page 6, last paragraph.

**In response to applicant's argument**, the examiner respectfully disagrees with the argument above. Christie discloses

- proceeding with MTP Level 2 alignment of said link (see FIG. 5, MTP Level 2 200 in the STP link; in order to aligned with MTP level 3 (top stack of SS7), one must first proceed/align with MTP level 2 (middle stack of SS7); see col. 1, line 34-46), and
- upon receiving a signalling link test message on said link (see col. 7, line 6-10; a singling message which comprise a routing label), defining said point code number as a

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destination address in said signalling link test message (see col. 7, line 9-14; a routing label (in the signaling message) defines DPC (destination point code) which points to the destination signaling point/address), wherein the point codes are identified by point code numbers (see col. 7, line 20-29; point codes are identified by US and international by a number).

As stated above, it should be clear to the applicant the connection between the Christie and the applicant claimed invention.

Regarding “remark, page 7, lines 19-20” in claim 8, examiner is only showing the comparison between the application claimed invention in accordance with the remark ins page 7, lines 19-20 to the disclosure of Christie, and starting and the equating the identical functionalities.

Regarding the challenge of MPT level 2 alignment/position/configuration step is being “inherent”, Christie in see col. 1, line 29-50, discloses the well known and established teaching of SS7 signaling. In particular, Christie discloses the protocol stack of SS7, MTP level 1 and 2 being the bottom two layers to facilitate the transfer of SS7 messages from one point to another over the signaling link. Moreover, the user of MTP Level 2 alignment/position/configuration is the industry standard and prior art in view of the following:

- Bicknell (US006011803A)- FIG. 2, SS7 protocol stack with MTP 1-3 levels
- Miller (US006324183B1)- FIG. 8, SS7 protocol stack with MTP 1-3 levels
- Pester (US005475732A)- entire document for SS7 signaling and MTP levels
- Eskafi (US006438223B1)- (see col. 6, line 18-50) discloses well known SS7 standards:

- o Bellcore specification of SS7, **GR-246-CORE**, December. 1995, Bellcore.

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- "Common Channel Signaling Network Interface Specification", **GR-905-CORE**, March 1995, Bellcore.
- "ITU-TS specifications of signaling system Number 7", CCITT "white Book" Volume VI, Fascicles VI.7, VI.9 (Q.700 Series Recommendations).
- "AIN 0.1 Switching Requirements", TR-NWT-001284, Bellcore
- "AIN 0.2 Switch-Intelligent Peripheral Interface Generic Requirements", **GR-1129-CORE**, Bellcore
- "AIN Switch-Service Control point/ Adjunct Interface Generic Requirements", **GR-1299-CORE**, December. 995, Bellcore
- "STP generic Requirements", **GR-82-CORE**, December. 1995, Bellcore.

**Regarding claims 1-3, the applicant argued that,** "...the teaching of Longfield is incomplete...the rejection overlooks the need for triggering "event"...without the rejection establishing that the detection of a triggering event (abnormal operation)..." in page 7, paragraph 4; page 8, paragraph 4; page 9, paragraph 2.

**In response to applicant's argument, the examiner respectfully disagrees with** argument above. Longfield discloses an interface unit 27 that broadcasts the point code (point code) along with its own interface unit identifier. Interface unit 27 will then update (updating) a list (table) of received SSP (upon receiving a message) stored in interface unit 27 with the new SSP obtained from the SCP 38 (point code) (column 8, lines 6-12). A person of ordinary skill in the art would have been motivated to employ Longfield in Christie in order to manage communication with network resources in a manner that does not burden the central processor of the signaling point (Longfield, column 2, lines 42-45).

**In response to applicant's argument that the references fail** to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **the need for triggering event, or establishing that the detection of a triggering event (abnormal operation))** are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**In response to applicant's arguments against** the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the combined system of Christie and Longfield discloses the claimed limitations.

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that the combination of reference(s) as set forth in the 102 and 103 rejections are proper.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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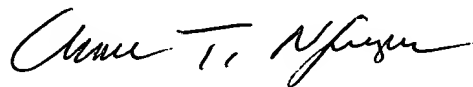
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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